

#15

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Fax

To: USPTO Fax: 703-308-6459
From: Francis C. Hard, ESQ. Date: 11/6/03
File #: 53550.40 Pages: 6 (including cover page)
Re: _____ CC: _____

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Francis C. Hand

Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application No.: PCT/NO00/00200

International Filing Date: 8 June 2000

Applicants: Geir Olve Skeie et al.

Serial No: 10/009,013

TITLE: Detection of Ryanodione Receptor Antibodies

Commissioner for Patents
P.O. Box
Alexandria, VA 2213-1450

REQUEST FOR STATUS

Sir:

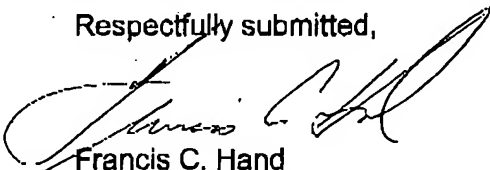
On March 14, 2003 a Notice of Abandonment was issued for the above application.

On May 6, 2003 a fax Request for Reconsideration of the Notice of Abandoned Application was submitted to the USPTO. A copy of this Request for Reconsideration is attached.

To date, no further response has been received from the USPTO on this application.

Accordingly, it is requested that the undersigned be advised as to the location of the application and when a response should be expected to the request filed on May 5, 2003.

Respectfully submitted,


Francis C. Hand
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,
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#179869 v1

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MAY 6, 2003
Date

Francis C. Hand
Francis C. Hand

Customer Service Center
Initial Patent Examination Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application No.: PCT/NO00/00200
International Filing Date: 8 June 2000
Applicants: Geir Olve Skeie et al.
Serial No: 10/009,013
TITLE: Detection of Ryanodione Receptor Antibodies

Commissioner for Patents
P.O. Box
Alexandria, VA 2213-1450

**REQUEST FOR RECONSIDERATION OF
NOTICE OF ABANDONED APPLICATION**

Sir:

Enclosed is a copy of a Notice of Abandonment under 37 CFR 1.53 (f) or (g) dated March 14, 2003.

Reconsideration and withdrawal of the Notice of Abandonment is requested.

Statement of Facts

A request to enter the national phase for this application was deposited on December 6, 2001 under Serial Number 10/009,013.

On March 8, 2002, a Notification of Missing Requirements was issued indicating that, inter alia, a copy of the "Sequence Listing" and computer readable form had not been submitted and that an initial or substitute computer readable form of the "Sequence Listing" was required along with a statement that the contents of the paper or compact disk and the computer readable form are the same and, where applicable, include no new matter.

On April 9, 2002, a Notification of Defective Response was issued acknowledging receipt of a Declaration and repeating the requirement of the Notification of March 8, 2002.

On May 13, 2002, applicant filed a floppy disk containing a computer readable form of the Sequence Listing and a Statement as required. Acknowledgment was made by the PTO that these materials were filed on May 13, 2002 by return postcard.

On June 4, 2002, a Notification of Defective Response was issued noting that the computer readable form filed with the application has been found to be damaged and/or unreadable as indicated by an attached CRF Diskette Problem Report. However the referenced CRF Diskette Problem Report was not attached.

On June 17, 2002, applicant filed a request for clarification of the Notification of June 4, 2002 noting that the referenced CRF Diskette Problem Report was not attached. A request was made for a copy of the Report.

On July 1, 2002, applicant filed a second compact disk containing a computer readable form of the Sequence Listing, a computer readable form, and a Statement that the contents of the compact disk and the computer readable form are the same and include no new matter. These documents were acknowledged as being received on July 1, 2002 by a return postcard from the PTO.

On February 6, 2003, a further Notification of Defective Response was issued acknowledging receipt of the Request for Clarification filed June 17, 2002 and repeated the request for a substitute computer readable form, a substitute paper copy or compact disk of the Sequence Listing and an Amendment directing its entry into the specification. This notice was also accompanied by a Withdrawal of the Acceptance Notice mailed on June 4, 2002 as well as a copy of the CRF Problem Report processed by STIC on June 4, 2002.

On February 21, 2003, applicant filed a request for Withdrawal of the Notice of Defective Response dated February 6, 2003. The request was acknowledged as received by the PTO on February 21, 2003 by return postcard.

On or about February 22, 2003, a telephone call was received from Karen Williams of the USPTO noting that the missing disk has been found.

On March 14, 2003, a Notice of Abandonment was issued stating that the application is abandoned for failure to timely or properly reply to the notice to file missing parts mailed on March 8, 2002 and that the reply received on June 17, 2002 was untimely.

Points to be Reviewed

1. The Notification of Missing Requirements mailed March 8, 2002 was superceded by the Notification mailed April 9, 2002.
2. The Notification to File Missing Parts mailed on March 8, 2002 and the subsequent Notification of Defective Response dated April 9, 2002 were responded to on May 13, 2002 with a floppy disk containing a computer readable form of the Sequence Listing preparing in pages 18-22 of the specification as well as a Statement that the contents of a paper version of the Sequence Listing and the computer readable form are the same and include no new matter.
3. The Request for Clarification filed June 17, 2002 in response to the Notification of Defective Response dated June 4, 2002 is not relevant.
4. All requirements of 37 CFR 1.53 have been provided on a timely basis particularly those of 37 CFR 1.53 (f) or (g).

Action Requested

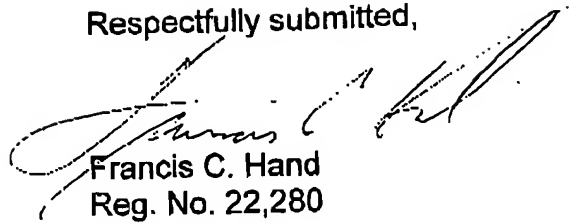
It is respectfully submitted that the Notice of Abandonment of March 14, 2003 be withdrawn.

It is further requested that an Acceptance Notice be issued and that examination of this application proceed forthwith.

The Notification of February 6, 2003 indicates that an Acceptance Notice was mailed on June 4, 2002. However, the undersigned has no record of receiving the Acceptance Notice. Further, the Notification of February 6, 2003 indicates that a corrected Acceptance Notice was enclosed. However, a corrected notice was not received. Accordingly, it is requested that the Acceptance Notice of June 4, 2002 and the Corrected Notice of February 6, 2003 be forwarded to the undersigned.

Should any fees be required for this request please charge such to deposit account 03-0678.

Respectfully submitted,



Francis C. Hand
Reg. No. 22,280

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